

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 12, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Preliminary Plat #04006

**PROPOSAL:** To preliminary plat eleven residential lots and one outlot.

**LOCATION:** S. 84<sup>th</sup> St. & South St.

### **WAIVER REQUEST:**

1. Transfer sanitary sewer from one drainage basin to another.
2. Construct sanitary sewer opposite street grades.
3. Allow side lot lines not radial to the street.
4. Improvements to South St.

**LAND AREA:** 24.48 acres, more or less

**CONCLUSION:** With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

|                               |                      |
|-------------------------------|----------------------|
| <b><u>RECOMMENDATION:</u></b> | Conditional Approval |
|-------------------------------|----------------------|

### **WAIVERS**

- |  |                      |
|--|----------------------|
| 1. Transfer sanitary sewer from one drainage basin to another. | Approval             |
| 2. Construct sanitary sewer running opposite street grades.    | Conditional Approval |
| 3. Allow side lot lines not radial to the street.              | Approval             |
| 4. Improvements to South St                                    | Conditional Approval |

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot "A", Outlot "B", Brandt Heights Addition Replat and Lot 2, Brandt Estates, located in the NW 1/4 of Section 35, Township 10 North, Range 7 East, Lancaster County, Nebraska.

**EXISTING ZONING:** AG-Agriculture

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

|        |                 |                                     |
|--------|-----------------|-------------------------------------|
| North: | AG-Agriculture  | Single family houses and open space |
| South: | AG-Agriculture  | Undeveloped, proposed tennis center |
| East:  | AG- Agriculture | Agriculture                         |
| West:  | R-1-Residential | Single family houses and church     |

**ASSOCIATED APPLICATIONS:**

Change of Zone #04010  
Annexation #04006

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Tier 1 reflects the "Future Service Limit" where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities can reach beyond the 25 year time horizon to 50 years and further. (F-28)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a ll residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads ( F-67)

Continue the City's growth policy of contiguous urban growth. Urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure. (F 75)

**HISTORY:**

Date when preliminary plat was submitted: February 17, 2004

Date when Planning Director's letter was sent: March 15, 2004

Date when revised preliminary plat was submitted: April 9, 2004

**May 19, 2003** Special Permit 1998, for a tennis center, was approved by City Council.

**May 22, 1991** Brandt Estates Administrative Final Plat was approved by the Planning Director.

**December 11, 1978** Echo Hills First Addition Final Plat was approved by City Council.

**August 14, 1978** Echo Hills First Addition Preliminary Plat was approved by City Council.

**May 17, 1976** Brandt Heights Replat Final Plat was approved by City Council.

**November 24, 1975** Brandt Heights Final Plat was approved by City Council.

**October 27, 1975** Brandt Heights Preliminary plat was approved by City Council.

**November 27, 1967** Echo Hills Final Plat was approved by City Council.

**August 28, 1967** Echo Hills Preliminary Plat was approved by City Council.

**UTILITIES:** Utilities are available to serve this plat. It should be noted that if the houses are to have basements, individual sewage ejector pumps would be required.

**TOPOGRAPHY:** The area slopes from west to east.

**TRAFFIC ANALYSIS:** Pinedale Ct. and Norval Rd. are local streets.  
South St. is a county road that has not been constructed.

**PUBLIC SERVICE:** The nearest fire station is located at 2201 S. 84<sup>th</sup> St.  
The nearest elementary school is Pyrtle located at 721 Cottonwood Dr.

**ANALYSIS:**

1. This is a request to preliminary plat 11 residential lots and one outlot. This property is currently zoned AG, Agriculture. Change of Zone #04010 to R-1 has been requested.

2. The sanitary sewer mains will not be deep enough to accommodate basements. If the houses have basements, a individual sewage ejector pump may will most likely be necessary.
3. This subdivision is outside the City limits, but is within the Future Service Limit. An annexation request has been submitted.
4. The area of the outlot is designated as Tier 1-Priority B in the 2025 Comprehensive Plan. Infrastructure improvements to serve this area could be expected in 12 to 25 years after adoption of the Plan.
5. The waiver request for sanitary sewers running opposite street grades is acceptable to Planning Department and Public Works & Utilities Department provided the design does not create sewer depths in excess of the maximum and minimum allowable depths.
6. The applicant has requested a waiver to improvements on South St. South St is a county half-section line road that has not been constructed. The waiver is acceptable to Planning provided the applicant does not object to any future paving district or until such time as Outlot "A" is developed.

**CONDITIONS:**

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Extend Norval Rd. 30' to provide access to Outlot A. Outlot A must be a minimum of 20 acres to remain zoned agriculture.
    - 1.1.2 Delete waiver #4. Lot frontage is a zoning requirement and cannot be waived.
    - 1.1.3 Add the waiver of improvements to South St. to the General Notes.
    - 1.1.4 Correct the scale on Sheet 3.

- 1.1.5 The proposed street layout on Outlot A is unacceptable. Revise the street layout to facilitate the platting of lots for Outlot A.
  - 1.1.6 Show a street pattern that will accommodate subdivision of the property to the north. Show a street connection to Stonyhill Rd.
  - 1.1.7 Make corrections per Public Works & Utilities Department report of April 28, 2004.
- 1.2 File an application to change the street name, Pinedale Ave. to Pinedale Ct. on the existing section of Pinedale Ave. east of S. 84<sup>th</sup> St.
- 2. The City Council approves associated request:
  - 2.1 Annexation #04006
  - 2.2 Change of Zone #04010
  - 2.3 A modification to the requirements of the land subdivision ordinance to permit:
    - The transfer of sanitary sewer from one drainage basin to another.
    - Construction of sanitary sewer running opposite street grades.
    - Side lot lines not radial to the street.
    - A waiver to improvements to South St

General:

- 3. Final Plats will be approved by the Planning Director after:
  - 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of Norval Rd. and Pinedale Ct. and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of Norval Rd. and Pinedale Ct. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of public street lights along Norval Rd. and Pinedale Ct. within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Norval Rd. and Pinedale Ct. within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of temporary turnarounds and barricades located at the temporary dead-end of the street or post a surety to guarantee the installation. The installation is to be completed within two years following the Planning Commission's approval of this final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

to inform potential property owners that if the houses have basements, an individual sewage ejector pump will most likely be necessary.

to not object to any future paving district for South St.

Prepared by:

Tom Cajka, 441-5662, [tcajka@ci.lincoln.ne.us](mailto:tcajka@ci.lincoln.ne.us)  
Planner

**DATE:** April 28, 2004

**APPLICANT:** Ron Tonniges  
4620 Pioneer Green Ct.  
Lincoln, NE 68526  
(402) 432-1207

**OWNER:** same as applicant

**CONTACT:** Paula Dicero  
Associated Engineering & Surveying  
1232 High St. Suite 3  
Lincoln, NE 68502  
(402) 441-5790





2002 aerial

# **Preliminary Plat #04006** **Brandt Hts. 1st Add** **S 84th & SouthSt.**

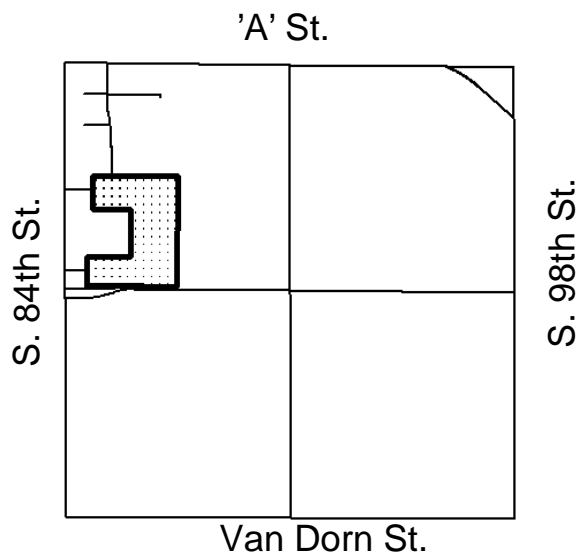
## **Zoning:**

R-1 to R-8 Residential District  
AG Agricultural District  
AGR Agricultural Residential District  
R-C Residential Convervation District  
O-1 Office District  
O-2 Suburban Office District  
O-3 Office Park District  
R-T Residential Transition District  
B-1 Local Business District  
B-2 Planned Neighborhood Business District  
B-3 Commercial District  
B-4 Lincoln Center Business District  
B-5 Planned Regional Business District  
H-1 Interstate Commercial District  
H-2 Highway Business District  
H-3 Highway Commercial District  
H-4 General Commercial District  
I-1 Industrial District  
I-2 Industrial Park District  
I-3 Employment Center District  
P Public Use District

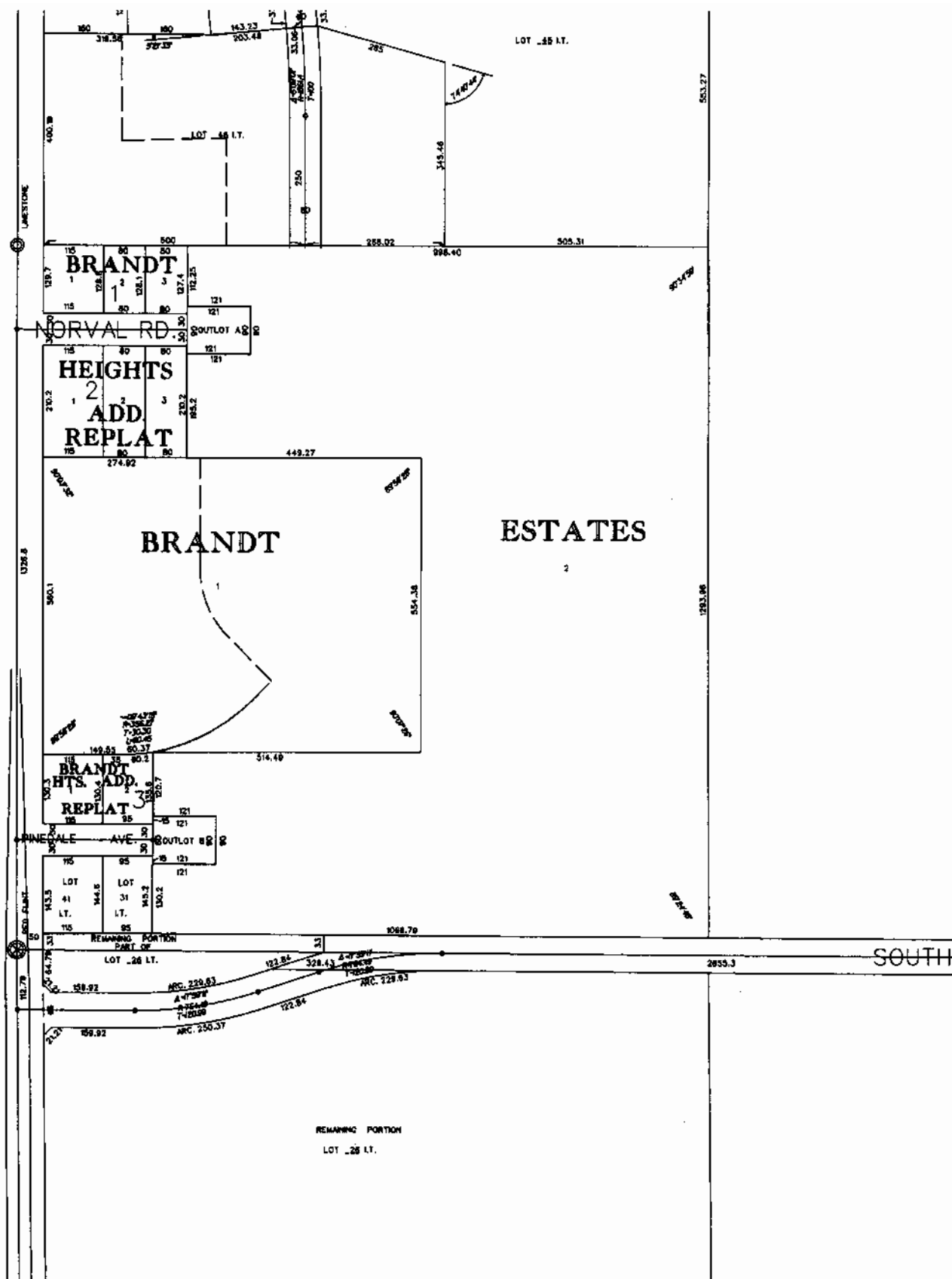
One Square Mile  
Sec. 35 T10N R7E



Zoning Jurisdiction Lines  
City Limit Jurisdiction







# Memorandum

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|                 |   |
|-----------------|---|
| <b>To:</b>      | Tom Cajka, Planning Department          |
| <b>From:</b>    | Chad Blahak, Public Works and Utilities |
| <b>Subject:</b> | Brandt Heights 1st Addition             |
| <b>Date:</b>    | 4/28/04                                 |
| <b>cc:</b>      | Randy Hoskins                           |
|                 |   |

Engineering Services has reviewed the submitted plans for the Brandt Heights Preliminary Plat, located east of N. 84th Street and north of South Street, and has the following comments:

**Sanitary Sewer** - The following comments need to be addressed.

(1.1) Current Municipal Code states that all sanitary services need to be protected from freezing. The previous code required a minimum of 3' of cover over all sanitary services. This depth would be sufficient to satisfy Public Works. The current grading plan shows that there would be about 2' of cover over the sewer services for various lots in Pinedale Court. The grading plan needs to be revised to show that there is a minimum of 3' of cover for all sewer services.

(1.2) The Waste Water department has stated that this development will not affect capacity for the existing system and therefore Public Works approves the waiver of design standards to transfer sewer from one basin to another.

(1.3) Public Works approves the waiver of design standards for constructing sanitary sewer opposite street grades provided the design does not create sewer depths in excess of the maximum and minimum allowable depths (see 1.1 above).

**Water Main** - The water system is satisfactory.

**Grading/Drainage** - The following comments need to be addressed.

(3.1) Grading is shown outside of the boundary for this plat on the adjacent property to the south. A grading easement will need to be acquired from the owner of said property prior to approval of this plat.

**Streets/Paving** - The following comments need to be addressed.

(4.1) The proposed and existing profiles for Norval Road do not match the proposed grading plan and need to be revised to correctly reflect the proposed and existing grades.

(4.2) Norval Road will require a standard temporary pavement turnaround at the time of construction. Norval Road should be extended 30' into Outlot A to accommodate the turnaround and a drive to provide access to Outlot A eliminating the need for a waiver of design standards for access off the end of a street.

(4.3) This plat needs to show how the conceptual street system will accommodate the future subdivision of the acreage lot to the north, Lot 46 IT. Also, a connection to Stonyhill Road, which dead ends at the north property line of Lot 46 IT, will need to be incorporated in the this street system.

April 28, 2004

**General** - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory . Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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INTER-DEPARTMENT COMMUNICATION



**DATE:** April 19, 2004  
**TO:** Tom Cajka, City Planning  
**FROM:** Sharon Theobald (Ext. 7640)  
**SUBJECT:** DEDICATED EASEMENTS  
DN #15S-85E

Attached is the Resubmitted Preliminary Plat for Brandt Heights 1<sup>st</sup> Addition.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

As identified by Item 5 of the General Notes, any relocation of existing facilities will be at the owner/developer's expense.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

A handwritten signature in cursive script, reading "Sharon Theobald", is located below the stipulations. The signature is written in dark ink and is slanted slightly to the right.

ST/nh  
Attachment  
c: Terry Wiebke  
Easement File



**"Paula Dicero"**  
**<pdicero@commandsurveying.com>**

04/27/2004 12:15 PM

To: <tcajka@ci.lincoln.ne.us>  
cc: "Richard Bishop" <rbishop@ae-pc.com>  
Subject: Preliminary Plat 04006 Brandt Heights First Addition

On behalf of Ron Tonniges, we request the following waiver to be added to our list of waivers.

A waiver to improvements on South Street where it abuts the Preliminary Plat. The only part of South Street abutting this property is along Outlot A and there is no need for improvement to South Street in this area, at this time.

Paula Dicero  
Associated Engineering

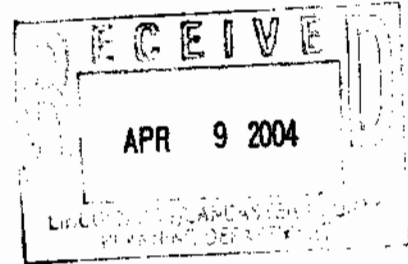


## Associated Engineering And Surveying

1235 High Street – Suite 3  
Lincoln, Nebraska, 68502

April 9, 2004

Tom Cajka  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street – Suite 213  
Lincoln, Nebraska, 68508



RE: Brandt Heights First Addition Preliminary Plat  
AE&S Job # 15735

Dear Mr. Cajka:

On behalf of Ronald A. Tonniges, we are resubmitting Brandt Heights First Addition Preliminary Plat. We hereby request annexation into the city of Lincoln for the property shown and described as, "Parcel A" and "Parcel B" on the attached Zoning & Annexation Exhibit. Please send an Annexation Agreement for our client to sign.

We have revised the above referenced legal description and exhibit to address Outlot A and Outlot B, Brandt Heights Addition Replat and a portion of Lot 2, Brandt Estates (shown and described as Parcel A and Parcel B). The remaining portion of Lot 2, Brandt Estates (20.005 acres) is to stay zoned as agricultural and will not be annexed into the city.

Pursuant to Section 26.15.030(d) of the LMC, the following deviations from the Land Subdivision Ordinance and the adopted Design Standards are requested for this plat.

1. Title 26.23.140 (c) "Radial lot lines"

A 400' radius reverse curve was used to center Norval more equally between Lot 1, Brandt Estates and I. T. Lots 46 and 45, to the north. Because of the short distance of these curves (lots 1 through 3, Block 1 and lots 1 through 3, Block 2) a waiver of design standards is requested to better accommodate houses with side yards parallel to each other rather than radial to the street.

2. Title 2.2.1 "The various elements of the sanitary sewer system in the City of Lincoln are designed to handle only that wastewater contribution which originates within the natural surface watershed wherein the sanitary sewer system is located."

This plat is located in the Stevens Creek drainage basin. A waiver of design standards is requested to allow the transfer of sanitary sewer from one basin to another. In review of this plat, the wastewater department has stated that this development will not affect capacity for the existing system.

3. Title 2.3.6 "The slope of the sanitary sewer should parallel the slope of the street or finished grade as much as possible so that excessive depths are minimized."



Preliminary design of the sanitary sewer provides for a minimum depth of 4.5 feet at the terminal manholes.

4. Title 27.07.080(a) "General requirements for 550' Lot Frontage."

A pre-existing condition of Lot 2, Brandt Estates allowed its frontage to be located at the end of Norval Road. By extending Norval Road, Outlot A has a similar frontage. Outlot A can not be developed at this time because of sanitary sewer limitations. Outlot A will need this access to it for maintenance.

**Provisions addressed, which were not met by the submittal dated February 17, 2004, are as follows:**

1. We agree to and request annexation for Parcels A & B, as shown on the Zoning & Annexation Exhibit.
2. We agree to make the area of Outlot A, 20.005 Acres. In doing this, we request Outlot A to remain agricultural and outside of the area to be annexed.
3. We agree with utility easements as shown on this drawing, and requested by the February 26, 2004 LES Report. We disagree and request that a blanket easement not be given over Outlot A and have entered into an agreement with Steve Hanks at LES for a 15 foot utility easement along the perimeter of Outlot A.
4. We agree to extend the street profile for Norval Road to 300 feet past the lot line.
5. A basic conceptual street system is shown in Outlot A, to address future compatibility with neighboring land. Future use can not be determined at this time because Outlot A and neighboring property does not and will not have sewer until Lincoln expands their sewer system.
6. We agree to remove the text, "Undeveloped land" from Outlot A.
7. We agree to correct dimensions on the south property line, as requested.
8. We agree to list all waivers in the general notes, as requested.
9. We agree to change Pinedale Ave. to Pinedale Ct., as requested.
10. We agree to sign the surveyor's certificate on the final copies of the Preliminary Plat, as requested.
11. We agree to the removal of note 14.
12. Corrections per Public Works & Utilities report of March 12, 2004 are as follows:
  - (1.1) A waiver of design standards to allow the transfer of sanitary sewer from one basin to another, is provided at the beginning of this letter and in the general notes, located on Sheet 1.
  - (1.2) A waiver of design standards for running sanitary sewer opposite street grade is provided at the beginning of this letter and in the general notes on sheet 1.
  - (3.1) We agree to replace the 12-inch storm sewer with 15-inch RCP in Pinedale Ct., as requested.
  - (3.2) Wetlands are not on this property.

April 9, 2004

- (3.3) A swale-berm along the rear lot lines clearly defines and routes storm water around existing lot 1. Calcs. are enclosed and provided for the swale to convey 10 year storm.
  - (3.4) Conceptual grades for future extension and the existing right-of-way for South Street are shown on this plan, as requested. An agreement is in the process of negotiation between this developer and the Nebraska Tennis Center to grade on the land between South Street and this property.
  - (3.5) As noted. A call was made to Rod Schmidt at LES.
  - (4.1) See number 4.
  - (4.2) See number 5.
  - (4.3) Existing grade on the preliminary profile is from a survey of Norval Road conducted on January 15, 2004, by Associated Engineering and Surveying and depicts what is actually there.
13. Hatching designates all trees to be removed on the Preliminary Plat and is called out as such in the legend.
14. Note 16 is changed to read, "Outlot A is outside of the city limits and is zoned agricultural. A basic concept plan is shown in order to address future compatibility needs with neighboring land; however, future use and development of this land can not be determined until the City of Lincoln expands their sanitary sewer system".

In addition, we are aware and agree to the general requirements in the Planning Department letter, dated March 15, 2004 and we request this Preliminary Plat to come before the Planning Commission in hearing.

Enclosed are the following documents as submittal for the above referenced preliminary plat:

- 4 copies - Cover Sheet
- ✓ 4 copies - Site Plan
- ✓ 4 copies - Grading & Drainage Plan
- ✓ 4 copies - Street Profile Plan
- ✓ 4 copies - Revised Drainage Calcs.
- ✓ 1 copy - Revised City of Lincoln Zoning & Annexation Exhibit

Sincerely,



Paula S. Dicero  
Project Manager